

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JIMMIE LEWIS,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1350-GMS
)	
DR. SYLVIA FOSTER, et al.,)	
)	
Defendants.)	Trial by Jury Demanded

**DEFENDANTS' (JOHNSON, SAGERS, GRAY AND MOFFETT)
RESPONSE TO PLAINTIFF'S MOTION FOR DISCOVERY**

1. The date(s) Geodon was prescribed, for how long was it prescribed, and the date(s) it was discontinued.

Response: Geodon was prescribed on the following dates: 6/11/04, 6/13/04, 6/14/04, 6/21/04, and 6/24/04. Geodon was discontinued on 6/25/04. By way of further response, please see attached medical records.
2. The date(s) Benadryl was prescribed, for how long it was prescribed, the date(s) it was discontinued.

Response: 5/21/04, 5/25/04, 6/3/04, 6/4/04, 6/6/04, 6/14/04, 6/15/04, 6/21/04, 6/24/04. Benadryl was discontinued on 6/25/04. By way of further response, please see attached medical records.
3. The date(s) "Paridium" was prescribed, for long it was prescribed and the date(s) it was discontinued.

Response: 6/2/04, 6/8/04 By way of further response, please see attached medical records.
4. The date(s) "Haldol" was prescribed, for how long it was prescribed, and the date(s) it was discontinued.

Response: 5/29/03, 8/13/03 (refused), 3/30/04 (refused), 5/21/04, 5/28/04, 5/29/04 (requested by Lewis), 5/30/04(requested by Lewis), 6/3/04, 6/6/04. By way of further response, please see attached medical records.

5. The date(s) "Ativan" was prescribed, for how long it was prescribed, and the date(s) it was discontinued.

Response: 5/28/04, 6/13/04, 6/14/04, 6/21/04, 6/24/04. Ativan was discontinued on 6/25/04. By way of further response, please see attached medical records.

6. The date(s) "Effexor" was prescribed, for how long it was prescribed, and the date(s) it was discontinued.

Response: 5/25/04, 5/26/04, 5/28/04, 5/29/04 (refused), 5/30/04 (refused), 5/31/04 (refused), 6/1/04. By way of further response, please see attached medical records.

7. The date(s) "seroquel" was prescribed, for how long it was prescribed, and the date(s) it was discontinued.

Response: 10/8/03 (Refused to take and sign refusal form), 10/17/03 (refused), 11/12/03 (requested), 6/7/04 through 6/25/04. By way of further response, please see attached medical records.

8. The date(s) "Bactrim" was prescribed, for how long it was prescribed, and the date(s) it was discontinued.

Response: 6/2/04, 6/8/04, 6/9/04. By way of further response, please see attached medical records.

9. The date(s) the "chef salad" was prescribed, for how long it was prescribed, and the date(s) it was discontinued.

Response: 6/2/04, 6/10/04--Change nutrition order to read: Regular chef's salad w/ breakfast, small tossed salad at meals, cheese, peanut butter, banana, and chef's salad.

10. The date(s) the plaintiff Jimmie Lewis was placed on disciplinary restriction, the reasons why, for how long the restriction, and the description of the disciplinary sanction(s).

Response: 6/14/04-- Lewis placed in seclusion for the safety of others, 6/15/04-- Continue restriction of patio, weight room, gym and vending machine for another week, 6/21/04--Lewis was placed in four point restraints, 6/22/04--continued four point restraints, 6/24/04--- continued four point restraints for the safety of others. By way of further response, please see attached medical records.

11. Photocopies of the written notices of any and all disciplinary reports and sanctions.

Response: No such written reports exist. Patient is advised of disciplinary restrictions in meetings with the treatment team.

12. The Names of nurses whom were employed and worked between the dates of 5/20/04 to 6/25/04, during the dates of the plaintiffs stay at the D.P.C.

Response: Objection. The request is overly broad and not likely to result in the production of discoverable materials. By way of further response, please see attached medical records.

13. The specific reason Dr. Sylvia Foster documented on the June 10, 2004 Forensic Psychiatric Report that was submitted to the New Castle County Superior Court, why the plaintiff Jimmie Lewis was being evaluated at the D.P.C.

Response: This request does not appear to be directed to the answering defendants. By way of further response, defendants are without sufficient information or knowledge to respond.

14. Any and all diagnosis that were determined and documented by Dr. Sylvia Foster through out the course of the plaintiff's stay at the D.P.C, along with the date(s) those diagnoses were acknowledged and or determined.

Response: This request does not appear to be directed to the answering defendants. By way of further response, defendants are without sufficient information or knowledge to respond.

15. The date the plaintiff received his competency hearing in the mock court room at the D.P.C., and the name of the commissioner and or judge whom conducted the competency hearing.

Response: Answering defendants are without sufficient knowledge or information to respond. To the extent that answering defendants learn such information they will supplement this response.

16. The date(s) the plaintiff Jimmie Lewis was ordered to be placed on and or in (4) point restraints, who gave the order to place the plaintiff in (4) point restraints, the time the plaintiff was placed in (4) point restraints, what medications were administered to plaintiff during said (4) point restraining period, and the time the plaintiff was released for (4) point restraints.

Response: 6/6/04-- Lewis hit another patient on the head and when he was restricted he also hit the staff in the face. Given Haldol and Benadryl and he continued to be agitated and he was put in 4 point restraints for safety. Began at 6:15pm and ended at 7 pm. His patio, pool, visit and snack areas

were restricted.

6/21/04—Lewis was placed in four point restraints for hitting, kicking and threatening harm to patients and staff. In restraints from 11pm to 3am. Medications given Ativan, Geodon, Benadryl, and Seroquel

6/22/04— continue 4 point restraints not to exceed 2 hours for safety of self and others.

6/24/04--- continued four point restraints for the safety of others. Four point restraints when Lewis began throwing trays. Began at 1pm and ended at 1700. Lewis stated he was agitated. Medications given: Geodon, Ativan, benadryl

By way of further response, please see attached medical records.

17. What date(s) were the disciplinary hearings conducted, and who conducted the disciplinary hearing(s)?

Response: DPC does not conduct disciplinary hearings. Restrictions are determined at meetings with the treatment team.

18. The date the consultation for the plaintiff was ordered to visit the urologist, and who ordered the consultation.

Response: 6/4/04. By way of further response, please see attached medical records.

19. The date Dr. Sylvia Foster on the forensic psychiatric evaluation report dated June 10, 2004, that was submitted to the New Castle county Superior court, that the Plaintiff Jimmie Lewis was arrested.

Response: This request does not appear to be directed to the answering defendants. By way of further response, defendants are without sufficient information or knowledge to respond.

20. The names of the R.N's (registered nurses), whom Dr. Foster ordered to inject the plaintiff with psychotropic medications on , 6/6/04/, 6/14/04, 6/21/04, 6/24/04, 6/22/04, as is documented on the progress note(s) and or the doctors notes regarding the plaintiff.

Response: This request does not appear to be directed to the answering defendants. By way of further response, defendants are without sufficient

information or knowledge to respond. Also, please see attached medical records.

21. The name(s) of nurse assistance whom where employed at the D.P.C. on 6/6/04, 6/14/04, 6/21/04, 6/22/04, 6/24/04.

Response: Objection. The request is overly broad and not likely to result in the production of discoverable materials. By way of further response, please see attached medical records.

22. The plaintiff's (G.A.F.) Global Assessment of Functioning Scale when he was admitted on or about 5/20/04, and the plaintiff's (G.A.F.) scale when he was discharged on 6/25/04.

Response: A (G.A.F.) is not done at discharge. By way of further response, please see attached medical records.

23. Photocopies of the (F.C.M) First Correctional Medical Medical records utilized by Dr. Foster to conduct the plaintiff Jimmie Lewis' forensic psychiatric evaluation. (See attached exhibit), documented under the title "source of information."

Response: This question appears to be directed to Dr. Foster, not answering defendants. By way of further response, please see attached medical records.

24. The documents and or material titled exhibit A& B, documented under the title "source of information" on Dr. Fosters June 10, 2004 Forensic Psychiatric Report. (See attached exhibit)

Response: This question appears to be directed to Dr. Foster, not answering defendants. By way of further response, please see attached medical records.

25. A photocopy of the official court order form the superior court judge or commissioner, documenting that the defendant was judicially competent and returned to the department of correction to partake in court proceedings.

Response: Answering defendants are not in possession of such court order. To the extent that answering defendants are able to obtain a copy of such an order, it will be provided to Plaintiff.

26. The address of "Jame Smith," an inmate patient about 19 years of age that was undergoing treatment at the D.P.C. during the plaintiff's stay at the D.P.C. Mr. James Smith' address is requested because he is a crucial witness to events and or incident(s) the plaintiff claims in his complaint.

Response: Answering defendants are without sufficient knowledge or information to respond. By way of further response, addresses of other patients

cannot be released.

27. A photocopy of the deposition taken of and or from the plaintiff Jimmie Lewis per court order.

Response: No such deposition has taken place. Once plaintiff has been deposed, a copy of the transcript will be provided to him.

28. The documents titled, "case charge list", under "source of information" on Dr. Fosters June 10, 2004 Forensic Psychiatric report. (See attached exhibit).

Response: This question appears to be directed to Dr. Foster, not answering defendants. By way of further response, please see attached medical records.

29. The documents titled, "charge history record" under "source of information" on Dr. Fosters' June 10, 2004 Forensic psychiatric report. (See attached exhibit).

Response: This question appears to be directed to Dr. Foster, not answering defendants. By way of further response, please see attached medical records.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ _____
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